IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.28 OF 2005

Ajitsinha Balasaheb Jahagirdar .. Appellant

Versus

Ranjitsinha Balasaheb Jahagirdar Respondent

Mr.G.S.Godbole for appellant
None for respondent

CORAM : P.V.KAKADE, J.

DATE : 3RD AUGUST, 2005.

P.C.:

1. This appeal is preferred by the appellant against the judgment and order passed by Addl. District Judge, Pandharpur dismissing the appeal and confirming the judgment and order passed by Civil Judge, Junior Division, Malshiras decreeing the suit.

2. I have heard the learned counsel for the appellant. Perused the record.

3. The plaintiff filed the suit for recovery of possession of the encroached portion of the property and

consequential reliefs on the ground that the defendant had encroached over the suit property. The defendant challenged the suit denying the claim of the plaintiff.

. The learned trial judge adjudicated the dispute on merits and came to the conclusion that the plaintiff had proved that the defendant had made encroachment to the extent of 350 sq.mtrs. on the plaintiff's land of City Survey No.892 and decreed the suit. The appeal was carried to the District Court, Satara. The learned Addl. District Judge after hearing both the parties confirmed the findings recorded by the trial court and dismissed the appeal. Hence the present appeal.

4. At the outset it may noted that there is absolutely no substantial question of law involved in this appeal. All the issues involved are issues of fact, which are seen to be properly dealt with by both the courts below and I am satisfied that the evidence on record is sufficient to decree the suit.

5. In the result there is no merit in the appeal and it stands dismissed. Consequently Civil Application No.21 of 2005 also stands dismissed.